

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1266/1996

WEDNESDAY, THIS THE 1ST DAY OF MAY, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

Gyan Singh,
S/o Late Sri Sukh Lal,
Working as Depot Store-keeper, Gr.I,
under District Controller of Stores,
North Eastern Railway, Izatnagar,
Bareilly. ... Applicant

(By Advocate Shri Anand Kumar)

Versus

1. The Union of India, through
General Manager,
North Eastern Railway,
Gorakhpur.
2. The Controller of Stores,
North Eastern Railway,
Gorakhpur.
3. The District Controller of Stores,
North Eastern Railway,
Gorakhpur. ... Respondents

(By Advocate Shri Lalji Sinha)

ORDER

Hon'ble Mr. C.S. Chadha, Member (A):

This O.A. has been filed challenging the order of punishment imposed on the applicant vide Annexure-A1, by which his pay was reduced for a period of six months on a lower level with cumulative effect. The order of punishment is dated 22.1.1996. Thereafter, he filed an appeal and vide Appellate order dated 14.11.1996, the appeal was also rejected.

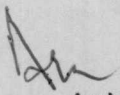
2. The order of punishment by the Disciplinary Authority clearly states that ^{to} ⁱⁿ the enquiry report given to the delinquent official ~~is partially proved and~~ the charges against the

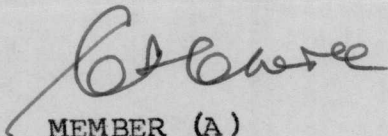
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delinquent official were partially proved and further that the Disciplinary Authority agreed with the findings of the Inquiry Officer who had held that the articles of charges were partially proved. We, however, find that the appellate order dated 14.11.1996 is not a speaking order. The appellate order merely mentions "after careful consideration, I confirm that the penalty imposed by the Disciplinary Authority will hold good." The appellate Authority should record a clear finding on each issue raised in the appeal rather than summarily reject the appeal upholding the penalty. The appellate order cannot be sustained because of a total lack of application of mind by the Appellate Authority.

3. We, therefore, quash the Appellate Order (Annexure 1-A) dated 14.11.1996 and dispose of this O.A. with the direction to the Appellate Authority to allow the applicant to file a fresh appeal which may be considered within time and dispose it off with a speaking order within a period of six months from the date of receipt of the order. No order as to costs.


MEMBER (J)


MEMBER (A)

psp.